

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

DANIEL R. BILLITER,

Case No: 04-1794

Plaintiff,

Judge Lisa Pupo Lenihan

-vs-

JOHN'S TOWING SERVICE, INC.,

Defendant.

ORDER OF THE COURT

AND NOW, to wit, this 27th day of June, 2006, upon consideration of the Petition for Leave to Compromise and Settle Claims of Daniel R. Billiter, and after being satisfied that plaintiff is aware of the terms of the settlement, it is **ORDERED, ADJUDGED** and **DECREED** that the proposed compromise settlement is proper, advisable, fair, adequate and reasonable under the circumstances and the same is **APPROVED**, and it is **ORDERED, ADJUDGED** and **DECREED** that the Release Agreement form, copies of which are attached to the Petition as an Exhibit is hereby **APPROVED**.

It is further **ORDERED, ADJUDGED** and **DECREED** that payment to plaintiff in the manner set forth in the Petition and in the total sum of Twenty-Nine Thousand Dollars (\$29,000.00), to be made by check payable to Daniel R. Billiter and O'Bryan Baun Cohen Kuebler, his attorneys, constitutes a full and final release of all of plaintiff's rights, claims and demands against defendant herein, and those others mentioned or referred to in the Release Agreement, arising out of, or related to or in any way connected with his employment or with any accident, injury, aggravation, illness, disease, disabilities, impairment, disfigurement or other illness or incident occurring to Daniel R. Billiter at any time during his employment with John's

Towing Service, Inc., including future developments, and also including but not limited to those claims which have been or could have been asserted in the instant action.

IT IS ORDERED that any lawsuit brought in connection with or to enforce the release and/or settlement agreement may only be brought in the United States District Court for the Western District of Pennsylvania, Pittsburgh Division;

IT IS FURTHER ORDERED that this Court shall retain continuing jurisdiction over this case, the parties, and their counsel for purposes of enforcing and/or resolving any dispute or disagreement arising from or related to, directly or indirectly, the release and/or settlement agreement.

IT IS FURTHER ORDERED that the total payment of \$29,000.00 shall be distributed as follows:

ATTORNEYS' FEES AND COSTS:

O'BRYAN BAUN COHEN KUEBLER \$14,035.88

DANIEL R. BILLITER \$14,964.12

TOTAL: **\$29,000.00**

The Clerk of this Court shall mark this action "Dismissed with Prejudice", and
party shall bear their own attorney fees and costs.


Lisa Pupo Lenihan
United States Magistrate Judge

cc: All counsel of record.